

COBY HOWELL, Senior Trial Attorney
MICHAEL R. EITEL, Senior Trial Attorney
DEVON L. FLANAGAN, Trial Attorney
U.S. Department of Justice
c/o U.S. Attorney's Office
1000 SW Third Avenue
Portland, Oregon 97204-2902
Tel: (503) 727-1023 | Fax: (503) 727-1117
Email: Coby.Howell@usdoj.gov
[Additional counsel listed on signature page]
Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CROW INDIAN TRIBE, CROW
CREEK SIOUX TRIBE, STANDING
ROCK SIOUX TRIBE, PIIKANI
NATION, THE CRAZY DOG SOCIETY,
HOPI NATION BEAR CLAN,
NORTHERN ARAPAHO ELDERS
SOCIETY, DAVID BEARSHIELD,
KENNY BOWEKATY, LLEVANDO
FISHER, ELISE GROUND, ARVOL
LOOKING HORSE, TRAVIS PLAITED
HAIR, JIMMY ST. GODDARD, PETE
STANDING ALONE, and NOLAN
YELLOW KIDNEY, et. al.,

Plaintiffs

v.

UNITED STATES OF AMERICA,
RYAN ZINKE, Secretary, U.S.
Department of the Interior, UNITED
STATES DEPARTMENT OF THE

Case No. 9:17-cv-00089-DLC-
JCL

**FEDERAL DEFENDANTS'
MOTION TO STAY**

INTERIOR, JIM KURTH, Acting
Director, U.S. Fish and Wildlife Service,
UNITED STATES FISH AND
WILDLIFE SERVICE, and HILARY
COOLEY, Grizzly Bear Recovery
Coordinator,
Federal Defendants.

Federal Defendants seek a stay in the above captioned case, as well as *Humane Society v. U.S. Fish and Wildlife Services*, CV 17-117-M-DLC; *N. Cheyenne Tribe v. Zinke*, CV 17-119-M-DLC; *Alliance for the Wild Rockies v. Zinke*, CV 17-123-M-DLC; *WildEarth Guardians v. Zinke*, CV 17-118-M-DLC.

For the reasons discussed in the memorandum in support of Federal Defendant's motion to stay and the supporting Declaration of Dr. Hilary Cooley, the Court should stay proceedings in these consolidated cases and order Federal Defendants to file a status report on or before April 13, 2018, updating the Court on FWS's administrative process and proposing a schedule for the remainder of the litigation.

Federal Defendants have conferred with the parties regarding this motion. Plaintiffs oppose the stay. Defendant-Intervenors, the State of Idaho and Safari Club International/National Rifle Association, do not

oppose. The State of Wyoming takes no position on the motion until it has a chance to review the pleading.

DATED: December 21, 2017.

Respectfully submitted,

JEFFREY H. WOOD

Acting Assistant Attorney General
U.S. Department of Justice
Environment & Natural Resources Division

SETH M. BARSKY, Chief

MEREDITH L. FLAX, Ass't Section Chief

/s/ Coby Howell

COBY HOWELL, Senior Trial Attorney
U.S. Department of Justice
c/o U.S. Attorney's Office
1000 SW Third Avenue
Portland, Oregon 97204-2902
Tel: (503) 727-1023 | Fax: (503) 727-1117
Email: Coby.Howell@usdoj.gov

MICHAEL R. EITEL, Sr. Trial Attorney
DEVON L. FLANAGAN, Trial Attorney
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
999 18th Street, South Terrace, Suite 370
Denver, Colorado 80202
Tel: (303) 844-1479 | Fax: (303) 844-1350
Email: Michael.Eitel@usdoj.gov;
Devon.Flanagan@usdoj.gov

Of Counsel:
Tyson Powell
Office of the Solicitor
Department of the Interior

Attorneys for Federal Defendants

CERTIFICATE OF SERVICE & COMPLIANCE

I hereby certify that on December 21, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the attorneys of record.

/s/ Coby Howell
COBY HOWELL
Senior Trial Attorney
U.S. Department of Justice